THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21755 of 1996

Dated:03.07.2006

Between:

Akkineguntla Subbarayudu.

…Petitioners

and

The Mandal Revenue Officer, Chintakommadinne Mandal, Kadapa District, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21755 of 1996

ORDER:

The petitioner is a resident of Kadapa District. He was assigned the land admeasuring Acs.4.50 cents in Survey No.626/1 of Ippenta Village, Chintakommadenne Mandal, Kadapa District, by way of a DKT patta, dated 05.03.1967. He allegedly brought the land into cultivation and was in possession of the same. He states that when he filed a representation for issuance of pattadar passbooks, he came to know that the respondents are likely to remove the earth from his land. Therefore, he filed the present writ petition alleging that he is in possession of the land and that there is a proposal to remove the land in survey No.626/1.

A counter affidavit is filed by the Mandal Revenue Officer, the first respondent herein. It is stated that as per Condition No.17 of the DKT patta, the land was resumed to the Government vide reference No.B.105/88, dated 28.12.1988, duly cancelling the DKT patta, as the land is required for formation of earthen dam across Buggavanka near Ippenta Village. It is also stated that after communicating the orders of cancellation, the petitioner filed a suit being O.S.No.103 of 1989 on the file of the Court of the IV Additional Munsif Magistrate, Kadapa, for permanent injunction.

The petitioner's affidavit is silent regarding filing of the suit before approaching this Court. This shows that the petitioner suppressed the facts, and on this ground alone, the writ petition is liable to be dismissed. Further, the assignment made in favour of the petitioner was cancelled by proceedings dated 28.12.1988, and the petitioner has already filed a suit before the civil Court aggrieved by the said cancellation. Therefore, this writ petition is misconceived. By the date of the filing of the writ petition, the land assigned to the petitioner was resumed, and therefore, this Court does not find any merit in the writ petition.

The Writ Petition is accordingly dismissed. No costs.

(V.V.S.RAO, J)

03.07.2006

vs